HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, Colorado 80527-2400

PATENT APPLICATION

ATTORNEY DOCKET NO. 30001736US

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): COLIN I'ANSON

Confirmation No.: 4695

Examiner: Angelica Perez

Application No.: 09/770,074

Group Art Unit: 2684

Filing Date: January 25 2001

Title: COST SENSITIVE CONTROL OF DATA TRANSFER INVOLVING A MOBILE ENTITY

Mail Stop Appeal Brief-Patents
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

<u>TRANSMITTAL OF REPLY BRIEF</u>

Sir:

Transmitted herewith in *triplicate* is the Reply Brief with respect to the Examiner's Answer mailed on **May 19, 2005** . This Reply Brief is being filed pursuant to 37 CFR 1.193(b) within two months of the date of the Examiner's Answer.

(Note: Extensions of time are not allowed under 37 CFR 1.136(a))

(Note: Failure to file a Reply Brief will result in dismissal of the Appeal as to the claims made subject to an expressly stated new grounds of rejection.)

No fee is required for filing of this Reply Brief.

If any fees are required please charge Deposit Account 08-2025.

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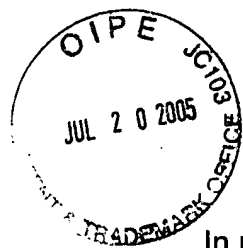
Respectfully submitted,

COLIN I'ANSON

By _____

Paul D. Greeley
Attorney/Agent for Applicant(s)
Reg. No. *31,019*

Date: *July 18, 2005*

Telephone No.: *(203) 327-4500*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Patent Application of:

Inventors:	Colin l'Anson
Serial No:	09/770,074
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Examiner:	Angelica Perez
Art Unit:	2684

Docket No.: 30001736US

REPLY BRIEF FILED UNDER 35 U.S.C. §134

Mail Stop Appeal Brief - Patents
Commissioner of Patents and Trademarks
Washington, D.C. 20231

Dear Sir:

Appellant submits this Reply Brief under 35 U.S.C. §134 and in accordance with the provisions of 37 C.F.R. §1.193(b), in response to the Examiner's Answer dated May 19, 2005.

In the Examiner's Answer, on page 14, section (11), the Examiner refutes Apellant's contention that Stinson, Zonoun, Hilsenrath, Shaffer and the combination thereof do not disclose or suggest determining by reference to <u>both current and future data-transfer tariffs</u>. Specifically, the Examiner refers to Hilsenrath (page 10, lines 5-14 and page 24, lines 14-17). The Examiner states that, for example, users "are informed of the current tariffs for determined services as well as tariffs for future

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times such as nightly rates, weekend rates, times when data transfer traffic is light, etc., therefore, the user can refer to the tariff information provided and select the best time for data transfer service depending on at least the least cost available." Appellant respectfully disagrees.

Hilsenrath discloses a least-cost routing module 3 ("LCRM") that is programmed with the least cost route for a given destination of a telephone call. When a caller at telephone 1 calls telephone 2, LCRM 3 determines from a look up table which of networks 5a, 5b and 5c provide a preferred connection between telephone 1 and telephone 2 based on a preferred route such as a least cost route (page 8, lines 16-25).

A control center 7 collates costing information for each of networks 5a, 5b and 5c for determining rates charged by the network service, and the least cost route is calculated by control center 7 for given time periods (page 10, lines 5-10). LCRM tables 31, 31a indicate least cost routes by geographical location during each of a number of time periods (page 15, lines 14-18).

Table 1 on page 16 of Hilsenrath shows a portion of table 31 stored by the LCRM 3 (page 16, lines 8-19). For each of three time periods T1, T 2 and T 3, the least cost route is given for each of five destinations ID1 to ID5 (page 16, line 21 – page 17, line 5). The least cost routing data is then wirelessly downloaded to LCRM 3 during a cheap tariff period (page 24, line 14-17).

The sequence of events disclosed in Hilsenrath when a number is dialed is disclosed at page 18, line 26. After a number is dialed, the dialed number is analyzed and a location ID is obtained from location table 30 (page 19, lines 7-9). Next, information about the **current time** is obtained using clock 20, and the network ID for the least cost route is obtained from an LCRM table 31 or 31a (page 19, lines 11-17). Thus, the least cost route is determined from table 31 or 31a based on a current time for an indicated destination.

Thus, it is clear that Hilsenrath **does not** reference **both current and future tariffs** when determining the least cost route for a call. Although table 31, 31a contains least cost route information during different times, the device of Hilsenrath is concerned only with the data for the **current time period** when deciding the route to use.

Also, Hilsenrath does not disclose any delay after receiving a transfer descriptor relating to a required transfer, as is provided in claim 1. Hilsenrath does not disclose an acceptable delay between dialing the number and connecting a call.

Furthermore, because there is no concept in Hilsenrath of deferring a telephone call or of an "acceptable delay before transfer initiation", there would be no reason for LCRM 3 to refer to future tariff related routing information to determine which route to use. Hilsenrath is only concerned with routing a telephone call in the present.

The passages of Hilsenrath referenced by the Examiner (page 10, lines 5-14 and page 24, lines 14-17) merely point out that different network tariffs may apply at different times and that least cost routing data updates should be sent during low tariff periods. However, the timing of such updating is predetermined and has no relation to the dynamic selection of a least cost service network initiated in response to a telephone call, and according to criteria individually specified for each data transfer.
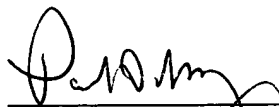
Therefore, neither Stinson, Zonoun, Hilsenrath, Shaffer, nor any combination thereof, disclose referring to both present and future tariff data to determine a suitable service to use, having regard to cost and delay after receiving a transfer descriptor and before transfer initiation. Thus, neither Stinson, Zonoun, Hilsenrath, Shaffer, nor any combination thereof, disclose nor suggest "determining by reference to both current and future data-transfer tariffs whether and, if so, how, the data transfer can be effected within the transfer criteria," as recited in claim 1.

In summary, Appellant respectfully requests that the Board of Appeals reverse the final rejections of the claims, thereby enabling all of the pending claims to be allowed.

Respectfully submitted,

Date: ___7/18/07___

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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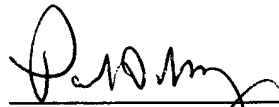
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Therefore, neither Stinson, Zonoun, Hilsenrath, Shaffer, nor any combination thereof, disclose referring to both present and future tariff data to determine a suitable service to use, having regard to cost and delay after receiving a transfer descriptor and before transfer initiation. Thus, neither Stinson, Zonoun, Hilsenrath, Shaffer, nor any combination thereof, disclose nor suggest "determining by reference to both current and future data-transfer tariffs whether and, if so, how, the data transfer can be effected within the transfer criteria," as recited in claim 1.

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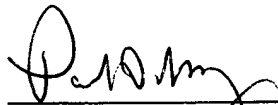
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